



Monday,
November 22, 1999

Part XLVIII

**Department of
Defense
General Services
Administration
National Aeronautics
and Space
Administration**

**Federal Acquisition Regulation;
Semiannual Regulatory Agenda**

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations

being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 "Regulatory Planning and Review." This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Federal Acquisition Regulation (FAR) Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are

estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie Duarte, FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of Federal Acquisition Circulars (FACs).

Dated: September 2, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 4178 | FAR Case 99-010, Contractor Responsibility, Labor Relations Costs, and Costs Relating to Legal and Other Proceedings | 9000-AI40 |
| 4179 | FAR Case 99-004, Executive Agent | 9000-AI42 |
| 4180 | FAR Case 98-609, Federal Supply Schedules Small Business Opportunities | 9000-AI48 |

Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 4181 | FAR Case 98-614, Veterans' Employment | 9000-AI46 |
| 4182 | FAR Case 97-613, Application of the Davis-Bacon Act to Construction Contracts with Options To Extend the Term of the Contract | 9000-AI47 |

Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 4183 | FAR Case 89-093, Implementation of the Anti-Lobbying Statute | 9000-AD76 |
| 4184 | FAR Case 91-078, Small Business Subcontracting Reporting | 9000-AG04 |
| 4185 | FAR Case 94-753, Travel Costs | 9000-AG27 |
| 4186 | FAR Case 96-308, Implementation of Commercially Available Off-the-Shelf Item Acquisition Provisions of the Federal Acquisition Reform Act | 9000-AH25 |
| 4187 | FAR Case 97-024, Foreign Acquisition | 9000-AH30 |
| 4188 | FAR Case 95-013, Government Property | 9000-AH60 |
| 4189 | FAR Case 96-023, Clause Flowdown-Commercial Items | 9000-AH69 |
| 4190 | Federal Acquisition Regulation; Progress Payments | 9000-AH70 |
| 4191 | FAR Case 97-032, Relocation Costs | 9000-AH96 |
| 4192 | FAR Case 97-304, Electronic Commerce in Federal Procurement | 9000-AI10 |
| 4193 | FAR Case 98-611, Evaluation Boards | 9000-AI13 |
| 4194 | FAR Case 97-033, Pollution Control and Clean Air and Water | 9000-AI19 |
| 4195 | FAR Case 98-400, Progress Payments and Related Financing Policies | 9000-AI27 |
| 4196 | FAR Case 98-011, SBA 8(a) Business Development Program | 9000-AI33 |
| 4197 | FAR Case 98-017, Review of Award Fee Determination (Burnside-ott) | 9000-AI35 |

FAR

Long-Term Actions (Continued)

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 4198 | FAR Case 98-605, Service Contract Act, Commercial Item Subcontracts | 9000-AI36 |
| 4199 | FAR Case 99-600, Nondisplacement of Qualified Workers—Commercial Items | 9000-AI38 |
| 4200 | FAR Case 98-604, Ocean Transportation by U.S.-Flag Vessels | 9000-AI39 |
| 4201 | FAR Case 98-304, Commercial Items-Nongovernmental Purposes | 9000-AI41 |
| 4202 | FAR Case 98-010, A-76 Cost Comparison | 9000-AI43 |

Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 4203 | FAR Case 97-603, Empowerment Contracting | 9000-AH58 |
| 4204 | FAR Cases 97-004A and 97-004B, Reform of Affirmative Action in Federal Procurement | 9000-AH59 |
| 4205 | FAR Case 97-031, Value Engineering Change Proposals | 9000-AH84 |
| 4206 | FAR Case 96-018, Use of Brand Name Item Descriptions | 9000-AH85 |
| 4207 | FAR Case 97-038, Evaluation of Proposals for Professional Services | 9000-AI07 |
| 4208 | FAR Case 98-007, Competition under Multiple Award Task and Delivery Order Contracts | 9000-AI08 |
| 4209 | FAR Case 98-004, OMB Circular A-119 | 9000-AI12 |
| 4210 | FAR Case 97-003, Taxpayer Identification Numbers (TINS) | 9000-AI14 |
| 4211 | FAR Case 98-602, Javits-Wagner-O'Day Proposed Revisions | 9000-AI16 |
| 4212 | FAR Case 98-002, Conditionally Accepted Items | 9000-AI17 |
| 4213 | FAR Case 97-307, HUBZone Program | 9000-AI20 |
| 4214 | FAR Case 98-014, Increased Payment Protection | 9000-AI21 |
| 4215 | FAR Case 97-043, Cost-Reimbursement Architect-Engineer Contracts | 9000-AI22 |
| 4216 | FAR Case 98-003, Cost Accounting Standards Post-Award Notification | 9000-AI23 |
| 4217 | FAR Case 98-006, Interest and Other Financial Costs | 9000-AI24 |
| 4218 | FAR Case 97-030, Conforming Late Offer Treatment | 9000-AI25 |
| 4219 | FAR Case 98-606, Option Clause Consistency | 9000-AI26 |
| 4220 | FAR Case 98-603, Contractor Liability for Loss of and/or Damages to Household Goods | 9000-AI28 |
| 4221 | FAR Case 98-013, Very Small Business Concerns | 9000-AI29 |
| 4222 | FAR Case 98-301, Compensation for Senior Executives | 9000-AI32 |
| 4223 | FAR Case 98-023, Application of the Brooks Act | 9000-AI34 |
| 4224 | FAR Case 98-306, Restrictions on Acquisition of Information Technology | 9000-AI37 |
| 4225 | FAR Case 99-001, Use of Competitive Proposals | 9000-AI44 |
| 4226 | FAR Case 98-300, Determination of Price Reasonableness and Commerciality | 9000-AI45 |

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

4178. • FAR CASE 99-010,
CONTRACTOR RESPONSIBILITY,
LABOR RELATIONS COSTS, AND
COSTS RELATING TO LEGAL AND
OTHER PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9.104-1; 48 CFR 31.205-21; 48 CFR 31.205-47

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify

coverage and give examples of suitable contractor responsibility considerations. The rule also makes unallowable the costs of attempting to influence employee decisions regarding unionization. In addition, the rule makes unallowable those legal expenses related to defense of judicial or administrative proceedings brought by the Federal Government when a contractor is found to have violated a law or regulation, or the proceeding is settled by consent or compromise, except to the extent specifically provided as part of the settlement

agreement. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/09/99 | 64 FR 37360 |
| NPRM Comment Period End | 11/08/99 | |
| Final Action | To Be | Determined |

FAR

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067
Email: laurie.duarte@gsa.gov**RIN:** 9000-AI40**4179. • FAR CASE 99-004, EXECUTIVE AGENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 17.500**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to add another example of an interagency acquisition that is not subject to the Economy Act. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866 and is not a major rule under 5 U.S.C. 804.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 08/12/99 | 64 FR 44100 |
| NPRM Comment | 10/12/99 | |
| Period End | | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405
Phone: 202 501-4755
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Email: laurie.duarte@gsa.gov**RIN:** 9000-AI42**4180. • FAR CASE 98-609, FEDERAL SUPPLY SCHEDULES SMALL BUSINESS OPPORTUNITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 8; 48 CFR 38**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to enhance the participation of small business concerns under the Federal Supply Schedules Program. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.**Timetable:**

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/14/99 | 64 FR 49948 |
| NPRM Comment | 11/15/99 | |
| Period End | | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405
Phone: 202 501-4755
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Email: laurie.duarte@gsa.gov**RIN:** 9000-AI48**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

Final Rule Stage

4181. • FAR CASE 98-614, VETERANS' EMPLOYMENT**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 12; 48 CFR 13; 48 CFR 22; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement sections 7 and 8 of the Veterans Employment Opportunities Act of 1998 (Pub. L. 105-339). Section 7 expands and improves veterans' employment emphasis under Federal contracts. Section 8 amends the veterans' employment reporting requirements. This rule also

implements the Department of Labor's (DOL) Office of Federal Contract Compliance Programs (OFCCP) final rule amending 41 CFR part 60-250, Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans and Veterans of the Vietnam Era, which clarifies DOL implementation of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/99 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405
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FAR

Final Rule Stage

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RIN: 9000-AI46

**4182. • FAR CASE 97-613,
APPLICATION OF THE DAVIS-BACON
ACT TO CONSTRUCTION
CONTRACTS WITH OPTIONS TO
EXTEND THE TERM OF THE
CONTRACT**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1; 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the requirement of Department of Labor (DOL) All Agency Memorandum No. 157 (AAM 157), as clarified in the Federal Register on November 20, 1998. The rule requires incorporation of the current Davis-Bacon Act wage determination at the exercise of each option period in construction contracts. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/99 | |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI47

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

Long-Term Actions

**4183. FAR CASE 89-093,
IMPLEMENTATION OF THE ANTI-
LOBBYING STATUTE**

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-121, Sec 319

CFR Citation: 48 CFR 3; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 319 of Pub. L. 101-121, which added a new section 1352 to title 31 U.S.C. entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions." Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of \$100,000, or a loan or Federal commitment to insure or guarantee a loan, in excess of \$150,000, must disclose lobbying with other than appropriated funds.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 01/30/90 | 55 FR 3190 |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AD76

**4184. FAR CASE 91-078, SMALL
BUSINESS SUBCONTRACTING
REPORTING**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 53.219

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend FAR 53.219 to authorize the addition of a column to

the Standard Form 295, Summary Subcontract Report, to report the number of subcontracts awarded to small business concerns, small disadvantaged business concerns, and women-owned small business enterprises. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/26/94 | 59 FR 49037 |
| NPRM Comment Period End | 11/25/94 | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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FAR

Long-Term Actions

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RIN: 9000-AG04

4185. FAR CASE 94-753, TRAVEL COSTS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 103-355

CFR Citation: 48 CFR 31.205-46

Legal Deadline: Final, Statutory, October 1, 1995, The Federal Acquisition Streamlining Act eliminated the statutory requirement to the travel cost principle concerning the Federal Travel Regulations. No regulatory implementation was required.

Abstract: This rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994, Public Law 103-355 (the Act). The Federal Acquisition Regulatory Council is considering amending the Federal Acquisition Regulation (FAR) as a result of changes to 41 U.S.C. 22 by section 2191 of the Act. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/14/94 | 59 FR 64542 |
| NPRM Comment | 02/13/95 | |
| Period End | | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AG27

4186. FAR CASE 96-308, IMPLEMENTATION OF COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM ACQUISITION PROVISIONS OF THE FEDERAL ACQUISITION REFORM ACT

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 104-106, sec 4203

CFR Citation: 48 CFR 2.101; 48 CFR 3.104-10(c); 48 CFR 3.503; 48 CFR 12.301; 48 CFR 12.7; 48 CFR 15.106-1; 48 CFR 19.508; 48 CFR 25.605; 48 CFR 27.409; 48 CFR 52.212-4; 48 CFR 52.212-00

Legal Deadline: NPRM, Statutory, September 7, 1996, The Federal Acquisition Streamlining Act eliminated the statutory requirement to the travel cost principle concerning the Federal Travel Regulations. No regulatory implementation was required.

Abstract: The Federal Acquisition Regulatory Council solicited comments regarding the implementation of section 4203 of the Federal Acquisition Reform Act (Pub. L. 104-106)(the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. The Act requires the FAR to list provisions of law that are inapplicable to contracts for the acquisition of commercially available off-the-shelf items. Certain laws have already been determined to be inapplicable to all commercial items as a result of the implementation of the Federal Acquisition Streamlining Act of 1994 (see FAR 12.503).

Timetable:

| Action | Date | FR Cite |
|---------------|----------|-------------|
| ANPRM | 05/13/96 | 61 FR 22010 |
| ANPRM Comment | 06/28/96 | |
| Period End | | |
| NPRM | To Be | Determined |

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AH25

4187. FAR CASE 97-024, FOREIGN ACQUISITION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.106-1; 48 CFR 25; 48 CFR 52.225-1 to 52.225-18

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to rewrite guidance and clauses on foreign acquisition. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/28/98 | 63 FR 51642 |
| NPRM Comment | 11/27/98 | |
| Period End | | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AH30

4188. FAR CASE 95-013, GOVERNMENT PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

FAR

Long-Term Actions

Abstract: The rule amends the Federal Acquisition Regulation (FAR) to simplify procedures and eliminate requirements related to the management and disposition of Government property in the possession of contractors. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------------|-------------|
| NPRM | 06/02/97 | 62 FR 30186 |
| NPRM Comment Period End | 08/15/97 | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AH60

4189. FAR CASE 96-023, CLAUSE FLOWDOWN-COMMERCIAL ITEMS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52.244-6

Legal Deadline: None

Abstract: This rule proposes amendments to the clause at FAR 52.244-6, Subcontracts for Commercial Items and Commercial Comments, to clarify that contractors are required to include, in subcontracts at any tier for commercial items or commercial components, the FAR clauses and provisions listed in the clause at FAR 52.244-6 and such other clauses and provisions as may be required by addenda, to the extent they are applicable or necessary to establish the reasonableness of prices under FAR part 15. This regulatory action was not subject to Office of Management and

Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------------|-------------|
| NPRM | 09/23/97 | 62 FR 49903 |
| NPRM Comment Period End | 11/24/97 | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AH69

4190. FEDERAL ACQUISITION REGULATION; PROGRESS PAYMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC ch 137

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: The Director of Defense Procurement, Department of Defense, has established a special interagency team with participants from the OUSD (Comptroller), the Military Departments, the DLA, the DCAA, the DFAS, the DOE, and the NASA that will review and rewrite FAR part 32 and part 52 provisions regarding Progress Payments to make them easier to understand and to minimize the burdens imposed on contractors and contracting officers. The Director of Defense Procurement will provide a forum for an exchange of ideas and information with Government and industry personnel by holding at least one public meeting, soliciting public comments, and publishing notices of public meetings in the Federal Register. Discussion will focus on draft revisions of FAR part 32, subpart 32.5, Progress Payments Based on Costs, and associated contract clauses and forms.

Timetable:

| Action | Date | FR Cite |
|--------------------------|------------------|-------------|
| ANPRM | 05/01/97 | 62 FR 23740 |
| ANPRM Comment Period End | 05/30/97 | |
| Second ANPRM | 03/05/98 | 63 FR 11074 |
| ANPRM Comment Period End | 04/06/98 | |
| NPRM | 02/10/99 | 64 FR 6758 |
| NPRM Comment Period End | 04/12/99 | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Michele P. Peterson, Executive Editor, Defense Acquisition Regulations Council, DOD/GSA/NASA (FAR), Room 3C800, DOD (PDUSD(A&T) DP CPF, Defense Pentagon, Washington, DC 20301-3060
Phone: 703 695-7197

RIN: 9000-AH70

4191. FAR CASE 97-032, RELOCATION COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove the ceilings imposed on certain types of relocation costs; to permit reimbursement of relocation costs on an appropriate lump-sum basis; and to make allowable payments for spouse employment assistance and payments for increase employee income and social security taxes incident to allowable reimbursed relocation. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and this is not a major rule under 5 U.S.C. 804

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------------|-------------|
| NPRM | 05/25/99 | 64 FR 28330 |
| NPRM Comment Period End | 07/26/99 | |
| Final Action | To Be Determined | |

FAR

Long-Term Actions

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405
Phone: 202 501-4755
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Email: laurie.duarte@gsa.gov**RIN:** 9000-AH96**4192. FAR CASE 97-304, ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-85, sec 850**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 5; 48 CFR 13; 48 CFR 14; 48 CFR 32**Legal Deadline:** Final, Statutory, May 16, 1998.**Abstract:** This rule amends the Federal Acquisition Regulation to implement section 850 of the National Defense Act for FY 1998 (Pub. L. 105-85) to eliminate the preference for electronic commerce within Federal Acquisition Computer Network. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.**Timetable:**

| Action | Date | FR Cite |
|--------------------|------------------|-------------|
| Interim Final Rule | 10/30/98 | 63 FR 58590 |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405

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RIN: 9000-AI10**4193. FAR CASE 98-611, EVALUATION BOARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 36.602-2**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to revise the coverage at 36.602-2, Evaluation Boards, to specifically state that only individuals experienced in architecture, engineering, construction, and acquisition of architect-engineering services will serve as members of evaluation boards. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.**Timetable:**

| Action | Date | FR Cite |
|--------------|------------------|---------|
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405
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Email: laurie.duarte@gsa.gov**RIN:** 9000-AI13**4194. FAR CASE 97-033, POLLUTION CONTROL AND CLEAN AIR AND WATER****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 1.106; 48 CFR 12.503; 48 CFR 12.504; 48 CFR 23.1; 48 CFR 52.223-1; 48 CFR 52.223-2**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to remove language pertaining to pollution control and clean air and water. The Environmental Protection Agency (EPA) is in the process of improving the communications systems relied on to identify facilities that may not be used in the performance of Government contracts because of their involvement in criminal violations of the Clean Air Act (CAA) or Clean Water Act (CWA). With these anticipated improvements, EPA will be able to provide more up-to-date information about CAA and CWA criminal convictions for publication in the General Services Administration (GSA) List of Parties Excluded from Federal Procurement and Nonprocurement Programs. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.**Timetable:**

| Action | Date | FR Cite |
|-------------------------|------------------|-------------|
| NPRM | 05/13/99 | 64 FR 26264 |
| NPRM Comment Period End | 07/12/99 | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405
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Email: laurie.duarte@gsa.gov**RIN:** 9000-AI19**4195. FAR CASE 98-400, PROGRESS PAYMENTS AND RELATED FINANCING POLICIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 32; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to reduce the burdens imposed on contractors

FAR

Long-Term Actions

and contracting officers by the progress payment type of financing; to permit the use of performance-based payments in contracts for research and development and contracts awarded through competitive negotiation procedures; to expand the use of subcontractor performance-based or commercial financing payments; and to simplify and clarify related provisions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 02/10/99 | 64 FR 6757 |
| NPRM Comment Period End | 04/12/99 | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI27**4196. • FAR CASE 98-011, SBA 8(A) BUSINESS DEVELOPMENT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC ch 137; 40 USC 486(c); 42 USC 2473(c)**CFR Citation:** 48 CFR 12; 48 CFR 19; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement revisions made to Small Business Administration (SBA) regulations pertaining to its 8(a) Business Development (8(a)BD) Program. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 06/17/99 | 64 FR 32742 |
| Interim Final Rule Effective | 06/17/99 | |
| Interim Final Rule Comment Period End | 08/16/99 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI33**4197. • FAR CASE 98-017, REVIEW OF AWARD FEE DETERMINATION (BURNSIDE-OTT)****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 16; 48 CFR 48; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement rulings of the United States Court of Appeals and the United States Court of Federal Claims. The rulings are that the Contract Disputes Act applies to all disputes arising under Government contracts unless a more specific statute provides for other remedies arising from a contract dispute. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/06/99 | 64 FR 24472 |
| NPRM Comment Period End | 07/06/99 | |
| Final Action | To Be | Determined |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI35**4198. • FAR CASE 98-605, SERVICE CONTRACT ACT, COMMERCIAL ITEM SUBCONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 12.504(a)(10)**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to delete the Service Contract Act from the list of statutes not applicable to subcontracts at any tier for the acquisition of commercial items or commercial components. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI36

FAR

Long-Term Actions

4199. • FAR CASE 99-600, NONDISPLACEMENT OF QUALIFIED WORKERS—COMMERCIAL ITEMS**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to add the clause title, Nondisplacement of Qualified Workers, to the clause concerning Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items. This addition would permit inclusion of the clause, by reference, in solicitations and contracts for commercial services, when determined appropriate by the contracting officer. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------------|-------------|
| NPRM | 06/17/99 | 64 FR 32738 |
| NPRM Comment Period End | 08/16/99 | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI38**4200. • FAR CASE 98-604, OCEAN TRANSPORTATION BY U.S.-FLAG VESSELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 47.504; 48 CFR 52.212-5; 48 CFR 52.213-4; 48 CFR 52.247-64**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify application of the preference for U.S.-flag vessels. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------------|-------------|
| NPRM | 07/12/99 | 64 FR 37640 |
| NPRM Comment Period End | 09/10/99 | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI39

4201. • FAR CASE 98-304, COMMERCIAL ITEMS—NONGOVERNMENTAL PURPOSES**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-261**CFR Citation:** 48 CFR 2; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 803(a)(2)(D) of the Strom Thurmond National Defense Authorization Act for fiscal year 1999 by revising the definition of "commercial item" to provide specific guidance on the meaning and appropriate application of the term "purposes other than Government purposes at 41 U.S.C. 403(12)(A). This rule was not subject to Office of Management and Budget review under section 6(b) of Executive Order 12866 "Regulatory Planning and Review,"

dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------------|-------------|
| NPRM | 07/27/99 | 64 FR 40694 |
| NPRM Comment Period End | 09/27/99 | |
| Final Action | To Be Determined | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI41

4202. • FAR CASE 98-010, A-76 COST COMPARISON**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 7.3**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide guidance on public-private competitions where the award decision is based on a trade off among cost or price and non-cost or price factors, rather than on the basis of lowest price. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|--------|------------------|---------|
| NPRM | To Be Determined | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

FAR

Long-Term Actions

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**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

Completed Actions

**4203. FAR CASE 97-603,
EMPOWERMENT CONTRACTING**

Priority: Economically Significant.
Major under 5 USC 801.

CFR Citation: 48 CFR 12.301; 48 CFR 14.206; 48 CFR 15.605; 48 CFR 26.3; 48 CFR 36.602; 48 CFR 52.226

Completed:

| Reason | Date | FR Cite |
|----------|----------|-------------|
| Withdraw | 07/26/99 | 64 FR 40494 |

**Regulatory Flexibility Analysis
Required:** Yes

Government Levels Affected: Federal, Tribal

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RIN: 9000-AH58

4204. FAR CASES 97-004A AND 97-004B, REFORM OF AFFIRMATIVE ACTION IN FEDERAL PROCUREMENT

Priority: Economically Significant.
Major under 5 USC 801.

CFR Citation: 48 CFR 5.207; 48 CFR 6.203; 48 CFR 12.303; 48 CFR 14.206; 48 CFR 15.605; 48 CFR 15.608; 48 CFR 15.1002; 48 CFR 19; 48 CFR 52.219; 48 CFR 53; 48 CFR 1.106; 48 CFR 15.3; 48 CFR 52.212; 48 CFR 53.219; 48 CFR 53.302-312

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 07/02/99 | 64 FR 36222 |

**Regulatory Flexibility Analysis
Required:** Yes

Government Levels Affected: Federal

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RIN: 9000-AH59

4205. FAR CASE 97-031, VALUE ENGINEERING CHANGE PROPOSALS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 48; 48 CFR 52

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51846 |
| Final Action Effective | 11/23/99 | |

**Regulatory Flexibility Analysis
Required:** Yes

Government Levels Affected: Federal

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RIN: 9000-AH84

4206. FAR CASE 96-018, USE OF BRAND NAME ITEM DESCRIPTIONS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 11.104; 48 CFR 11.104-1; 48 CFR 11.104-2; 48 CFR 11.106; 48 CFR 13.106-2; 48 CFR 13.602; 48 CFR 52.211

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/17/99 | 64 FR 32741 |
| Final Action Effective | 08/16/99 | |

**Regulatory Flexibility Analysis
Required:** Yes

Government Levels Affected: Federal

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RIN: 9000-AH85

4207. FAR CASE 97-038, EVALUATION OF PROPOSALS FOR PROFESSIONAL SERVICES

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 15.305; 48 CFR 37.115

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51841 |
| Final Action Effective | 11/23/99 | |

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

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RIN: 9000-AI07

4208. FAR CASE 98-007, COMPETITION UNDER MULTIPLE AWARD TASK AND DELIVERY ORDER CONTRACTS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 16

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/17/99 | 64 FR 32746 |
| Final Action Effective | 08/16/99 | |

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

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RIN: 9000-AI08

4209. FAR CASE 98-004, OMB CIRCULAR A-119

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 11; 48 CFR 52

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51834 |
| Final Action Effective | 11/23/99 | |

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

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FAR

Completed Actions

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 RIN: 9000-AI12

4210. FAR CASE 97-003, TAXPAYER IDENTIFICATION NUMBERS (TINS)

Priority: Substantive, Nonsignificant
CFR Citation: 48 CFR 1.106; 48 CFR 4.203; 48 CFR 4.901 to 4.905; 48 CFR 13.106-3; 48 CFR 14.201-6; 48 CFR 15.209; 48 CFR 52.204-3; 48 CFR 52.214-2; 48 CFR 52.215-4

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/17/99 | 64 FR 32741 |
| Final Action Effective | 06/17/99 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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 RIN: 9000-AI14

4211. FAR CASE 98-602, JAVITS-WAGNER-O'DAY PROPOSED REVISIONS

Priority: Substantive, Nonsignificant
CFR Citation: 48 CFR 8; 48 CFR 42

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51833 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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 RIN: 9000-AI16

4212. FAR CASE 98-002, CONDITIONALLY ACCEPTED ITEMS

Priority: Substantive, Nonsignificant
CFR Citation: 48 CFR 46

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51845 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 9000-AI17

4213. FAR CASE 97-307, HUBZONE PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 5.207; 48 CFR 6.205; 48 CFR 6.302-5; 48 CFR 7.105; 48 CFR 8.404; 48 CFR 12.301; 48 CFR 13.003; 48 CFR 13.005; 48 CFR 14.206; 48 CFR 14.502; 48 CFR 15.503; 48 CFR 19; 48 CFR 52; 48 CFR 53

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51830 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: Federal

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 RIN: 9000-AI20

4214. FAR CASE 98-014, INCREASED PAYMENT PROTECTION

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 28; 48 CFR 52

Completed:

| Reason | Date | FR Cite |
|-----------|----------|-------------|
| Withdrawn | 10/28/99 | 64 FR 58282 |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 9000-AI21

4215. FAR CASE 97-043, COST-REIMBURSEMENT ARCHITECT-ENGINEER CONTRACTS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 36; 48 CFR 44; 48 CFR 49; 48 CFR 52

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51844 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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 RIN: 9000-AI22

4216. FAR CASE 98-003, COST ACCOUNTING STANDARDS POST-AWARD NOTIFICATION

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 52

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51849 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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4217. FAR CASE 98-006, INTEREST AND OTHER FINANCIAL COSTS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 31

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51844 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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4218. FAR CASE 97-030, CONFORMING LATE OFFER TREATMENT

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 12; 48 CFR 14; 48 CFR 15; 48 CFR 52

FAR

Completed Actions

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51837 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI25**4219. FAR CASE 98-606, OPTION CLAUSE CONSISTENCY****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 17; 48 CFR 52**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51842 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI26**4220. FAR CASE 98-603, CONTRACTOR LIABILITY FOR LOSS OF AND/OR DAMAGES TO HOUSEHOLD GOODS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 47.207-7(e); 48 CFR 52.247-23(c)**Completed:**

| Reason | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 04/19/99 | 64 FR 7736 |
| Withdrawn | 07/28/99 | 64 FR 40998 |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI28**4221. FAR CASE 98-013, VERY SMALL BUSINESS CONCERNS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 5; 48 CFR 8; 48 CFR 12; 48 CFR 19; 48 CFR 52**Completed:**

| Reason | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule Comment Period End | 05/03/99 | 64 FR 10535 |
| Final Action | 09/24/99 | 64 FR 51829 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI29**4222. FAR CASE 98-301, COMPENSATION FOR SENIOR EXECUTIVES****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31**Completed:**

| Reason | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule Comment Period End | 05/03/99 | 64 FR 10547 |
| Final Action | 09/24/99 | 64 FR 51843 |
| Final Action Effective | 09/24/99 | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AI32**4223. • FAR CASE 98-023, APPLICATION OF THE BROOKS ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 36**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove a reference to the National Imagery and Mapping Agency (NIMA). This regulatory action was not subject to Office of Management and Budget

review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/17/99 | 64 FR 32746 |
| Final Action Effective | 08/16/99 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI34**4224. • FAR CASE 98-306, RESTRICTIONS ON ACQUISITION OF INFORMATION TECHNOLOGY****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 39**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement Division A, section 101(h), title VI, section 622 of the Omnibus Appropriations and Authorization Act for fiscal year 1999. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/17/99 | 64 FR 32747 |
| Final Action Effective | 08/16/99 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

FAR

Completed Actions

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RIN: 9000-AI37

4225. • FAR CASE 99-001, USE OF COMPETITIVE PROPOSALS

Priority: Substantive, Nonsignificant
Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)
CFR Citation: 48 CFR 6
Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to delete the requirement for contracting officers to explain in writing their rationale for choosing to use competitive proposals rather than sealed bidding. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/24/99 | 64 FR 51832 |
| Final Action Effective | 11/23/99 | |

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.
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RIN: 9000-AI44

4226. • FAR CASE 98-300, DETERMINATION OF PRICE REASONABLENESS AND COMMERCIALITY
Priority: Substantive, Nonsignificant
Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473
CFR Citation: 48 CFR 12; 48 CFR 13; 48 CFR 15
Legal Deadline: None
Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement sections 803 and 808 of the Strom Thurmond National Defense

Authorization Act for fiscal year 1999 (Pub. L. 105-261). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Interim Final Rule | 09/24/99 | 64 FR 51835 |
| Interim Final Rule Effective | 09/24/99 | |

Regulatory Flexibility Analysis Required: Yes
Small Entities Affected: Governmental Jurisdictions, Businesses
Government Levels Affected: Federal
Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.
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